

9 FAM PART IV Appendix C, CHINA

(TL:VISA-300; 07-30-2001)

RECIPROCITY

(TL:VISA-300; 07-30-2001)

Class	Fee	No. Applications	Validity
A-1	NONE	MULTIPLE	[A] 36 MONTHS [A]
A-2	NONE	MULTIPLE	[A] 36 MONTHS [B]
A-3 [1]	NONE	MULTIPLE	12 MONTHS
B-1	NONE	MULTIPLE	6 MONTHS
B-2	NONE	MULTIPLE	6 MONTHS
B-1/B-2	NONE	MULTIPLE	6 MONTHS
C-1	NONE	TWO	6 MONTHS [B]
C-1/D	N/A	N/A	N/A
C-2	NONE	MULTIPLE	6 MONTHS [B]
C-3	NONE	MULTIPLE	[C] 6 MONTHS [B]
D	NONE	MULTIPLE	24 MONTHS
E-1 [2]	NO TREATY	N/A	N/A
E-2 [2]	NO TREATY	N/A	N/A
F-1	NONE	TWO	6 MONTHS
F-2	NONE	TWO	6 MONTHS
G-1	NONE	MULTIPLE	36 MONTHS [B] [D]
G-2	NONE	MULTIPLE	36 MONTHS [B]
G-3	NONE	MULTIPLE	36 MONTHS [B][C][D]
G-4	NONE	MULTIPLE	36 MONTHS [D]
G-5 [1]	NONE	MULTIPLE	6 MONTHS
H-1B	NONE	TWO	3 MONTHS [3]
H-1C	NONE	TWO	3 MONTHS [3]
H-2A	NONE	TWO	3 MONTHS [3]
H-2B	NONE	TWO	3 MONTHS [3]
H-3	NONE	TWO	3 MONTHS [3]
H-4	NONE	ONE	3 MONTHS [3]
I	NONE	ONE	3 MONTHS
J-1 [4]	NONE	TWO	6 MONTHS
J-2 [4]	NONE	TWO	6 MONTHS
K-1	NONE	ONE	6 MONTHS
K-2	NONE	ONE	6 MONTHS
K-3	NONE	MULTIPLE	120 MONTHS
K-4	NONE	MULTIPLE	120 MONTHS
L-1	\$120.00 [E]	MULTIPLE[E]	24 MONTHS [E][3]
L-2	\$120.00 [E]	[MULTIPLE [E]	24 MONTHS [E] [3]
M-1	NONE	TWO	6 MONTHS
M-2	NONE	TWO	6 MONTHS
N-8	NONE	TWO	6 MONTHS
N-9	NONE	TWO	6 MONTHS
NATO 1-7	N/A	N/A	N/A
O-1	NONE	ONE	3 MONTHS [3]
O-2	NONE	ONE	3 MONTHS [3]
O-3	NONE	ONE	3 MONTHS [3]

P-1	NONE	ONE	3 MONTHS [3]
P-2	NONE	ONE	3 MONTHS [3]
P-3	NONE	ONE	3 MONTHS [3]
P-4	NONE	ONE	3 MONTHS [3]
Q-1 [6]	NONE	ONE	3 MONTHS [3]
R-1	NONE	ONE	3 MONTHS
R-2	NONE	ONE	3 MONTHS
S-5 [7]	NONE	ONE	1 MONTH
S-6 [7]	NONE	ONE	1 MONTH
S-7 [7]	NONE	ONE	1 MONTH
TD [5]	N/A	N/A	N/A
V-1	NONE	MULTIPLE	120 MONTHS
V-2	NONE	MULTIPLE	120 MONTHS [8]
V-3	NONE	MULTIPLE	120 MONTHS [8]

(A) Applicants for A-1&2, C-2&3, and G-1, 2, and 3 should not be required to fill out visa application forms, submit photos or pay fees. Such applicants will submit diplomatic notes or notes issued by appropriate PRC government agencies requesting the visas and describing the purpose of their trip and proposed length of stay. [See (F) below.]

(B) Resident personnel of PRC diplomatic and consular offices, and their accompanying spouses and dependent children and parents, 36 months; non-accompanying spouses and dependent children and parents who wish to visit members of their families, 6 months. Professional diplomatic couriers - 36 months validity.

(C) Holders of diplomatic passports may receive multiple entries visas.

(D) Resident personnel in the United Nations, the mission to the United Nations, and organizations of the U.N. system, and their accompanying spouses and dependent children and parents may receive visas valid for 36 months.

(E) Single entry 3 months No fee.

(F) Holders of diplomatic, service or official passports traveling on official business on a temporary basis may receive a visa valid for 6 months and for two entries.

SPECIAL CLEARANCE AND ISSUANCE PROCEDURES

General

Submission of Visa Applications and Photographs

(TL:VISA-287; 05-29-2001)

A copy of the visa application (Form OF-156) of all nonimmigrant visa recipients, with a recent, original photograph firmly affixed (two photographs in the case of professional diplomatic couriers), must be sent directly and expeditiously to the Northeast Regional Computer Support Center, 1203 Nealis Avenue, Fort Monmouth, New Jersey 07703, Attn: Dept. IIS. This procedure is in addition to the telegraphic name check and security advisory opinion requirements listed below. Exceptions to this procedure are:

(1) No application or photograph need be submitted in cases involving Chiefs and Deputy Chiefs of State, Heads of Government, Chiefs of Mission, their immediate families and accompanying crewmembers; and

(2) No photograph need be provided if one has been submitted within the previous three years.

Nonofficial Travel

"VISAS EAGLE" Name Check Requests

(TL:VISA-91; 08-01-94)

"VISAS EAGLE" telegrams must also be submitted for the following persons:

- (1) K nonimmigrant visa applicants;
- (2) Immigrant visa applicants; and
- (3) Applicants for refugee status.

These cases may be brought to conclusion 10 working days after the submission of the "VISAS EAGLE" telegram unless otherwise advised by the Department.

VISAS EAGLE MANTIS

(TL:VISA-287; 05-29-2001)

A VISAS EAGLE MANTIS telegram must be submitted on Chinese applicants (**only when applying at a China post**) who are coming to:

1. Study (other than undergraduate students under 30 years of age); conduct research, engage in Commercial activity, participate in an exchange program;
2. Teach;
3. Conduct research;
4. Engage in Commercial activity;
5. Participate in an exchange program;
6. Attend meetings or conferences, or
7. Be temporarily employed or trained in a scientific or technical field on the Technology Alert List (TAL).

VISAS DONKEY MANTIS

A VISAS DONKEY MANTIS telegram must be submitted on Chinese applicants (**when applying outside of China**) who are coming to :

1. Study (other than undergraduate students under 30 years of age);
2. Teach;
3. Conduct research;
4. Engage in Commercial activity;
5. Participate in an exchange program;
6. Attend meetings or conferences;
7. Be temporarily employed or trained in a scientific or technical field on the Technology Alert List (TAL).

The Department's response is required prior to issuance.

Official Travel

VISAS HORSE Name Check Requests

(TL:VISA-91; 08-01-94)

A VISAS HORSE telegram must be submitted immediately following the issuance of an A, C-3, or G visa.

VISAS BEAR Security Advisory Opinion Requests

(TL:VISA-91; 08-01-94)

The cases of official and diplomatic visa applicants who otherwise require security advisory opinions (DPT-00 CLASS entries; possible ineligibility under INA 212(a)(3), etc.) must be submitted by means of a VISAS BEAR telegram.

DOCUMENTS AND RECORDS (CHINA, PEOPLE'S REPUBLIC OF)

(TL:VISA-92; 09-29-95)

Most of the documents listed below can be obtained from one of China's Notarial Offices (Gong Zheng Chu). All Chinese documentation to be used abroad is processed through the notary offices and issued in the form of notarial certificates. Notarial offices are located in all large Chinese cities and in rural county seats. These offices are part of the Ministry of Justice structure but are separate from the people's court system.

Notaries in China do not perform the same functions as their American counterparts. Chinese notaries affix their signatures and office seal to certificates which attest to the probity of claims made by the applicants. By regulation, notaries are empowered to issue certificates only after they conclude that the applicant's claims are true. Notarial certificates of birth, death, marriage, divorce, no criminal record and pre-1981 adoptions are, at best, secondary evidence of the events they purport to document. Although these certificates are secondary evidence, they are used because primary evidence is not standardized, is easily forged, and difficult to evaluate. Notarial certificates are easier to interpret than primary evidence and theoretically represent an expert judgement on the part of the notarial official as to the facts documented.

The certificates can be based upon primary evidence, secondary evidence, testimony of the applicant or other parties, or investigation by the notary. For most notarial certificates of birth or adoption, the primary underlying documentation is the household register (HHR) which appears to be extremely susceptible to fraud and manipulation, especially if the holder of the HHR lives outside of a major metropolitan area. Notarial certificates rarely cite the basis for their issuance.

Thus a certificate in itself may not be adequate evidence of the facts claimed, and is best used in conjunction with primary and contemporaneous secondary evidence: old land deeds and old family registers; letters or money receipts; family records from countries that have reliable public documents; school and medical records. In relationship cases, especially where the petitioner left China years before, the best evidence of relationship, or lack of it, would be the Hong Kong Certificate of Registered Particulars (for petitions who lived in Hong Kong), or the petitioner's immigration and/or naturalization file.

Local conditions often do not permit consular officers to conduct on-site inquiries. However, if you have any reason to doubt the claims in a certificate issued by a Chinese notary, ask the American Consular post in the issuing office's area to verify the information through the notarial office or, if possible, by field investigation. Send a copy of the document in question to the post as well as detailed reasons why you suspect the document. For suspected relationship fraud, the first step should be a check of the information contained in the INS file or Joint Voluntary Agency (JVA) files for former refugees. Given sufficient reasons, notaries do investigate, and in some cases, revoke certificates. Allow several months for a reply.

Individuals living outside of China may obtain notarial certificates from the notarial office with jurisdiction over the county of previous residence. Chinese relatives or friends may request issuance of certificates on behalf of someone now living abroad. Relatives and friends should have specific written authorization from the interested party before they request certificates. Alternatively, persons in need of notarial documents may contact the PRC Embassy or Consulate nearest to their residence abroad and ask that the request be forwarded to the appropriate notarial office. Obtaining a notarial certificates through a PRC Embassy or Consulate can require considerable time.

Police Records

(TL:VISA-91; 08-01-94)

Generally available and reliable. Persons should make application for a Certificate of No Criminal Record at their local notarial office. Persons without a criminal record will be able to obtain a certificate to that effect. Certificates for individuals with one or more criminal convictions will list all convictions for which local records still exist. The certificates purport to reflect all criminal convictions during residence in China. Police records are generally not available for the period prior to 1949. Notarial police certificates are based in part upon records from an individual's former employer. If an employer refuses to release records, the notarial office is not able to issue a certificate. This is the case for persons sent abroad for education by the Chinese Government who fail to return to China.

According to a 1957 State Council ruling which is still in force, the imposition of a reeducation through labor (Lao Dong Jiao Yu) term does not result from a criminal conviction. Administrative organs, rather than courts, impose reeducation through labor. It is important to distinguish reeducation through labor from labor reform (Lao Dong Gai Zao), which is a sentence meted out for criminal offenses.

Prison Records

(TL:VISA-91; 08-01-94)

See Court Records below.

Military Records

(TL:VISA-91; 08-01-94)

Generally not available.

Birth Certificates

(TL:VISA-92; 09-29-95)

Available in the form of notarial certificates, which are secondary evidence. Notarial certificates of birth (Chu Cheng Gong Zheng Shu or Chu Sheng Zheng Ming Shu) for persons living in or recently departed from China are generally reliable, but are best used in conjunction with other evidence. They are most often based upon AHHR, which is easily susceptible to fraud, especially in villages. Notarial birth certificates for persons long departed from China are most likely based merely upon the testimony of interested parties.

While some notarial birth certificates will list step or adoptive parents along with natural parents, this is not always the case. In some cases, the certificates will list only the natural parents, covering up an adoption. Some applicants will present notarial certificates of relationship (Guan Xi Gong Zheng [or Zheng Ming] Shu) in lieu of notarial birth certificates. These certificates of relationship are unreliable and tend to be based solely upon the testimony of interested parties. Notarial birth certificates should be required. Care should be taken with any certificates which list step-relationships. These relationships are as of the date of issuance of the certificate only. Marriage certificates should also be required.

Marriage and Death Certificates

(TL:VISA-91; 08-01-94)

Available in the form of notarial marriage certificates (Jie Hun Gong Zheng [or Zheng Wing] Shu) or death certificates are generally reliable.

Divorce Decrees

(TL:VISA-91; 08-01-94)

Available. Notarial offices will issue a certificate based on extant records to confirm either a court-decreed or uncontested divorce. In an uncontested divorce a couple can obtain a divorce certificate from the marriage registration office in the neighborhood where they reside. In a contested divorce, both parties will receive a copy of the formal divorce decree from the court at the time the divorce is approved. If the original decree is lost, the same court will often issue a duplicate, but these various decrees or certificates should not be accepted in lieu of the notarial certificates.

Adoption Certificates

(TL:VISA-92; 09-29-95)

Available in the form of notarial adoption certificates (Shou Yeng Gong Zheng [or Zheng Ming] Shu). Until January 1981 there were no laws or regulations regarding adoption. Adoptions which took place after January 1981, only became valid with the issuance of the notarial certificate. The date of issuance of the notarial certification is the date of adoption. Although notarial offices issue certificates for pre-January 1981 adoption, these are extremely susceptible to fraud.

Commonly, adoptions were orally agreed to by the natural and adoptive parent(s). There may or may not be a written record dating from the time of the adoption. Parties to the adoption, however, may secure notarial certificates at a later point in time that will list the natural parents' names, adoptive parents' names, and the date of the adoption. The certificate is supposedly issued only after the notary ascertains that an adoption took place conforming to local practice and regulations.

Chinese customs and practice regarding adoption differ substantially from U.S. practice. Typically, there is no clear distinction between adoptive, foster and godparent/godchild relationships. Owing to the ease of fraud in cases involving adoptions (especially pre-January 1981 adoptions), contemporaneous evidence of the adoption and co-residence, especially in the form of school records, should be required. The inability to obtain a notarial certificate of adoption, on the other hand, is prima facie evidence no adoption ever took place.

Care should be taken in cases where a petitioning parent departed China without the adoptive (then minor) child especially if other, natural children, accompanied the parent. Most likely, this indicates the Chinese government did not recognize the adoption at the time the alleged adoptive parent departed. The INS file of the petitioner and/or the Hong Kong Certificate of Registered Particulars (for petitioners who transited Hong Kong), will generally be the most reliable evidence for the existence or non-existence of the adoption in these cases.

A written record dating from the time of adoption should be available in the case of an adoption of an orphan. The Ministry of Civil Affairs must approve the adoption of a parentless or abandoned child, who becomes the ward of the Chinese State. This office will provide a detailed statement of the circumstances under which the child became a ward of the state. Except for orphans, it is extremely rare in China for male children to be given up for adoption. These cases should be thoroughly documented. A new China-wide adoption law was implemented April 1, 1992. Notarial Certificates of Adoption are still required.

Court Records

(TL:VISA-92; 09-29-95)

Available in most cases. Normally, when someone is tried by a People's Court or by an organ of the Executive branch of government, some record remains of the case even for a political crime. In some instances, the entire formal court verdict (Pan Jue Shu) is available upon request by the former defendant. In other cases, the court can provide only a synopsis of the charges and the verdict. In all instances, it is necessary to have the applicant himself request court records. If an applicant is to secure court records U.S. Embassy Beijing or the post in China with jurisdiction over the area where the record is located can contact the appropriate provincial Foreign Affairs Office and request assistance in securing records. It is not advisable for other U.S. officials to contact courts directly. Most court records will also indicate the original sentence, the actual sentence served and any reduction or commutation of the original sentence. Court records are generally not available for the period prior to 1949.

Notarial Work Experience Certificates

(TL:VISA-91; 08-01-94)

Available. Notarial work experience certificates (NWECS) briefly describe an applicant's work experience in the PRC. They should be required of all employment-based preference immigrant applicants who claim work experience in China. Employer's letter or sworn statements from persons claiming personal knowledge should not be accepted in lieu of NWECS. The inability of an applicant to obtain a NWECS should be regarded as prima facie evidence the applicant does not possess the claimed experience.

Passports: Information on Travel Documents (China, People's Republic of)

(TL:VISA-91; 08-01-94)

There are four types of Chinese passports:

(1) Diplomatic Passports (Red) (e.g., provincial governors, ministers, etc.)

Used for diplomats and certain other senior government officials, and the heads of some large state corporations.

(2) Service and Public Affairs (e.g., two varieties of official) Passports (Various shades of brown and green)

Used for other government sponsored travelers who are at or below the vice minister level. Note: Beijing has seen a variety of government sponsored travelers, from trading company officials to Kung Fu experts, traveling on green passports. The Ministry of Foreign Affairs and Provincial Foreign Affairs officers appear to have some latitude in deciding who can travel on a green passport. Service passports are often given to the senior personnel in a delegation while lower ranking members receive Public Affairs passports.

(3) Private Passport (old ones are brown; red ones began to appear in 1992)

Used for Chinese traveling for unofficial purposes. The main difference between public affairs service passport and private passports is that a Chinese traveling on a public affairs services passport must be sponsored officially by the government (though that does not mean the government is necessarily paying for the trip). Most applications for travel by holders of diplomatic service, and public affairs passports come to the United States under cover of a note from the sponsoring Chinese organization.

VISA ISSUING POST (CHINA, PEOPLE'S REPUBLIC OF)

(TL:VISA-241; 03-12-2001)

Beijing (E) NIV except K
Address: PSC 461 Box 50,
FPO AP 96521-0002

Chengdu (CG) NIV except K
Address: PSC 461, Box 100,
FPO AP 96621-0002

Shanghai (CG) NIV except K
Address: PSC 461, Box 200,
FPO AP 96521

Shenyang (CG) NIV except K
Address: PSC 461, Box 45,
FPO AP 96621-0002

GEOGRAPHIC AREA(S) SERVICED (CHINA, PEOPLE'S REPUBLIC OF)

(TL:VISA-241; 03-12-2001)

IV
Guangzhou
All IV applications for all of China (PRC)

All K NIV applications for China.

NIV
Beijing:
All of China except for areas serviced by Chengdu;, Guangzhou,
Shanghai, and Shenyang.

Chengdu:
Chongqing Municipality SICHUAN Province, Tibet Autonomous Region,
and Yunnan Province.

Guangzhou:

Guangxi Zhuang Autonomous Region and the provinces of Guangdong, Fujian, and Hainan.

Shanghai:

Shanghai municipality and the adjacent provinces of Anhui, Jiangsu, and Zhejiang.

Shenyang:

Provinces of Liaoning, Jilin, and Heilongjiang